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ABSTRACT

Law enforcement officials know the devastation that drinking can cause among the immature and the inexperienced. This guide is intended to be used by law enforcement agencies in cooperation with other segments of the community. It provides an overview of the problem of youth access to alcohol, a discussion of the legal and policy issues relating to enforcement of alcohol access laws, and a description of some enforcement strategies and tools. The material contained here should demonstrate to community leaders that the presence and activism of police officers and other enforcement officials are important parts of any effort to prevent underage drinking. The information is presented in three sections: alcohol in the community, minimum purchase age, and drinking and driving enforcement. Included are discussions of legal and policy structures, enforcement techniques, enforcement aimed to prevent youth access, barriers to drinking and driving enforcement, assessing youth DWI (driving while intoxicated) enforcement, DWI management strategies, and policy tips on how to handle large concentrations of youth, typified by some parties, who are impaired. Some examples of successful enforcement programs and strategies, which have been used in communities across the United States conclude the guide. Contains a 10-item annotated list of resources. (RJM)

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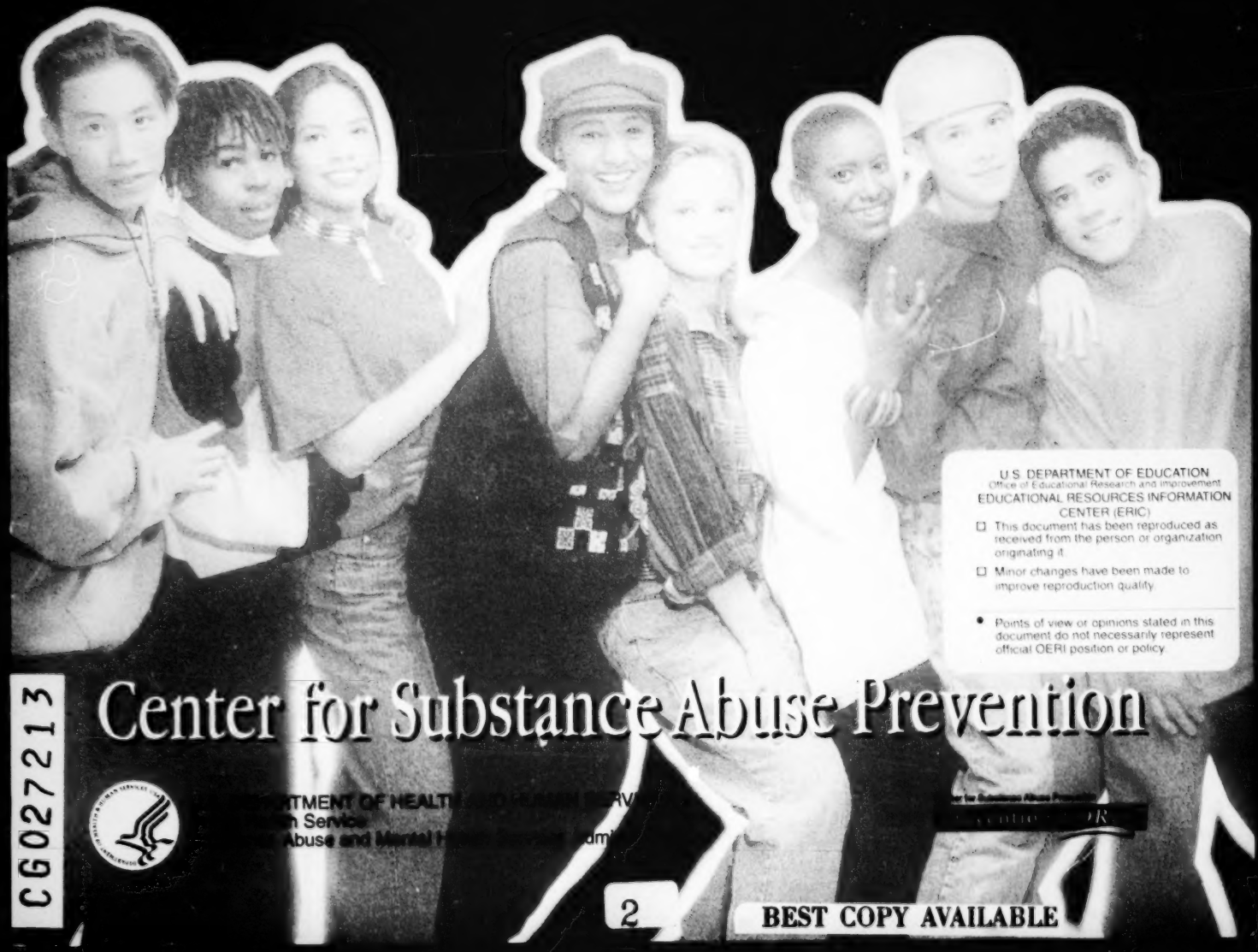
Teen Drinking Prevention Program

Law Enforcement Action Guide



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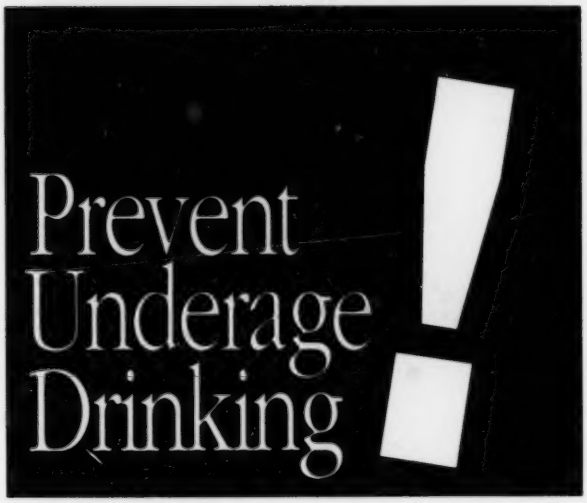
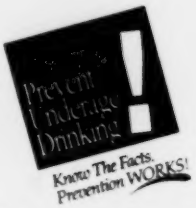


Know The Facts.
Prevention WORKS!

Dear Law Enforcement Official



You may have the most difficult job in the prevention field because you work where theory meets reality. The role you and your colleagues in police, public health, and safety organizations nationwide play in preventing underage drinking is critical. In fact, the data show that in those communities where the 21-year-old drinking age is strictly enforced, lives are being saved.

The Center for Substance Abuse Prevention's (CSAP) Teen Drinking Prevention Program aims to prevent underage drinking. The CSAP Teen Drinking Prevention Program is based on innovative public health techniques and has four objectives:

- Raising public awareness of the underage drinking crisis.
- Changing community norms that encourage underage drinking.
- Creating community-specific prevention messages and materials.
- Ensuring that special events in a community encourage healthy lifestyle choices.

The purpose of this *Law Enforcement Action Guide* is to share with you some of the successful strategies being employed in communities across the country. And furthermore, to demonstrate to you, community leaders, and elected officials in your community that the presence and activism of police officers and other enforcement officials are important parts of any effort to prevent underage drinking.

My thanks in advance for your participation.

Elaine M. Johnson, Ph.D.
Director, Center for Substance Abuse Prevention
Substance Abuse and Mental Health Services Administration

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Many law enforcement officers and others who work with enforcement agencies do not need to be convinced that the drinking of alcohol by youth is common and that it is a problem. All too often, they have seen the devastation that drinking can cause among the immature and inexperienced—the tragic aftermath of traffic crashes and other alcohol-fueled incidents and the trauma of assaults, rapes, and other crimes committed under the influence of alcohol.

If these personal experiences are not enough to indicate the seriousness of the youth alcohol problem, the statistics also tell a compelling story. Young drivers are overrepresented in traffic crashes and deaths. For example, 16- and 17-year-old first-year drivers have twice the average number of crashes, and, on a miles-driven basis, four times the number of crashes experienced by older drivers. In fact, alcohol-related traffic crashes are a major killer of youth, and many other health and safety problems are associated with drinking.

In the early 1980s, overwhelming evidence showed that lowering the drinking age resulted in a sharp increase in alcohol-related traffic fatalities among youth. In response to this evidence, the drinking age was raised to 21 in all 50 States and the District of Columbia. The National Highway Traffic Safety Administration (NHTSA) estimates that more than 10,000 lives have been saved since 1975 because of the increase in the drinking age.

Progress has been made. But young people continue to drink, and they continue to die. Recognition of the seriousness of the problem has led the Federal Government to direct increasing attention to enforcement of youth alcohol access laws. CSAP's Teen Drinking Prevention Program demonstrates how youth and adults can work together to change community norms on underage drinking.

It can be discouraging to recognize how persistent and pervasive drinking is among youth. We should also recognize, though, that communities and enforcement agencies have the power to reduce this problem. They can help ensure that more and more of our young people grow to maturity free from the damage that alcohol can cause.

This guide is intended to be used by law enforcement agencies in cooperation with other segments of the community.[1] The guide provides an overview of the problem of youth access to alcohol, a discussion of the legal and policy issues relating to enforcement of alcohol access laws, and a description of some enforcement strategies and tools. Following are descriptions of successful programs that have been used in communities across the country. At the end of the guide is a list of resources that can provide further information and assistance.

Youth Drinking Facts

- ❒ Alcohol-related crashes are a leading cause of death of young people.
- ❒ At least 8 million teens drink weekly and nearly 1/2 million engage in weekly drinking binges.
- ❒ Raising the drinking age to 21 has saved more than 10,000 young lives.
- ❒ There is no evidence that when youth cannot get alcohol they turn to other drugs.
- ❒ Youth who were raised with a drinking age of 21 drink less, even after they turn 21.

Many effective strategies can be used by law enforcement, in partnership with the rest of the community, to reduce underage drinking and save lives.

Source: O'Malley, P.M. and Wagenaar, A.C., *Effects of Minimum Drinking Age Laws on Alcohol Use, Related Behaviors, and Traffic Crash Involvement Among American Youth*, 1991.

[1] A companion guide for communities is also available. See the list of resources at the end of this guide.

Anyone with experience in law enforcement understands that enforcement does not occur in a vacuum. Enforcement must reflect the attitudes and desires of the community. If the community does not want a law to be enforced, police agencies alone cannot enforce it. At the same time, the enforcement of laws can influence community attitudes and norms. The knowledge that enforcement agencies are trying to detect certain criminal behavior and that arrests may occur helps to reinforce the community's sense that this behavior is socially unacceptable.

Laws about youth access to alcohol clearly fit this model. Emphasizing enforcement of minimum purchase age laws can be effective in establishing a social climate in which drinking by minors is not acceptable. Much of the alcohol youth obtain is purchased for them by adults–all too often, by their parents. Enforcement, well supported by the community, can prevent this kind of behavior not only because people fear being caught and punished but also because they see that the community as a whole views the behavior as socially unacceptable.

Unfortunately, many law enforcement agencies have had the experience of trying to crack down on underage drinking and sales to minors, only to have the community respond negatively. Sometimes people in the community see the youth alcohol problem as unimportant compared with other concerns. Sometimes they think that penalizing underage drinkers is not appropriate; after all, kids will be kids. These kinds of attitudes and beliefs show why law enforcement agencies must work with communities to come to a mutual recognition of how serious and deadly the youth alcohol problem is. This task may be particularly difficult these days when law enforcement budgets are strained. But the life-saving potential of a relatively small investment is so great that we must seize this opportunity to send a clear message to youth–and to the community at large–that underage drinking will not be tolerated.

Legal and Policy Structures

Minimum Purchase Age Laws

Every law enforcement officer knows that the nature of the law itself can make enforcement easy or difficult. In many States, the minimum purchase age laws are so full of loopholes that officers have a difficult time enforcing them. Figure 1 shows how the laws in many States make it easier for youth to obtain alcohol.

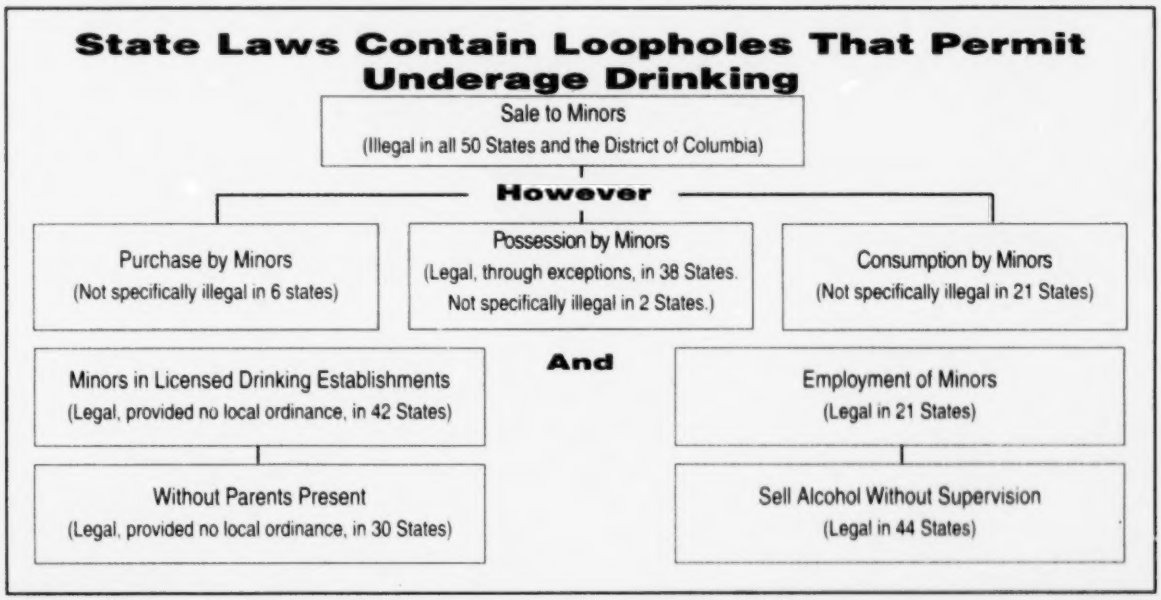
State Laws Contain Loopholes That Permit Underage Drinking
Sale to Minors
(Illegal in all 50 States and the District of Columbia)
However
Purchase by Minors
(Not specifically illegal in 6 states)
Possession by Minors
(Legal, through exceptions, in 38 States. Not specifically illegal in 2 States.)
Consumption by Minors
(Not specifically illegal in 21 States)
And
Minors in Licensed Drinking Establishments
(Legal, provided no local ordinance, in 42 States)
Without Parents Present
(Legal, provided no local ordinance, in 30 States)
Employment of Minors
(Legal in 21 States)
Sell Alcohol Without Supervision
(Legal in 44 States)

Figure 1

Many officers have complained about these loopholes. For example, in some States, for a minor to be considered "in possession," he or she must actually be holding an open container of alcohol. It is not hard for the young drinkers to figure out that all they have to do when they see the police approaching is to drop the container. In other States, it is not illegal for minors to attempt to purchase alcohol. So a youth who walks into a store and buys a six-pack with a fake ID cannot be charged with any crime.

The "Checklist for States" was commissioned by the U.S. Public Health Service to help States improve their alcohol laws. Enforcement agencies must work within the existing laws, of course, but they can also provide information and motivation to communities to help them improve laws or overcome the problems inherent in existing laws.

Use/Lose Laws

Youth must be made to understand that drinking before the age of 21 is a crime and that there will be serious consequences for that crime. One of the most effective penalties is the loss of the driving privilege. Fines can be paid by parents; lectures can go in one ear and out the other. The driver's license, however, is one of the most prized possessions of young people. Therefore, some States have adopted laws that revoke or suspend the driver's license (often for as long as 1 year) for any offense related to alcohol. Relevant offenses include possessing or attempting to purchase alcohol, not just driving-related offenses. If the youth does not yet have a driver's license, the ability to obtain one is delayed. There are strong arguments that the penalties for underage drinking should not be too severe. Some States have license penalties that exceed those for adults who drive while intoxicated. Relatively light penalties can be enough to have an effect.

These types of laws send a clear message that underage drinking will not be tolerated. They also motivate young people to take advantage of alcohol-free alternative activities that might be offered by the community.

From the point of view of law enforcement officers, the laws give them confidence that their enforcement efforts are not wasted and that apprehending and arresting youth for alcohol-related offenses will result in a meaningful

Checklist for States

The Office of Inspector General report commissioned by the U.S. Surgeon General has identified loopholes in State laws and weaknesses in law enforcement and education. We encourage States to examine their laws and policies concerning youth access to alcohol and offer the following checklist.

Do your alcohol laws . . .

❒ Prohibit youth from purchasing and attempting to purchase?

❒ Prohibit youth from consuming and possessing in public places?

❒ Prohibit youth from consuming and possessing in private places without parent or guardian supervision?

❒ Contain employment provisions that reduce the opportunity for youth to sell alcohol to peers?

❒ Ban youth from entering bars, taverns, cocktail lounges, and other establishments that are primarily drinking establishments?

❒ Contain specific civil liability provisions addressing establishments and individuals that illegally provide alcohol to minors?

❒ Contain provisions, such as California's Kegger Statute, that allow enforcement agents to take action against minors who drink in private residences?

❒ Provide decoy operation authority, that is, allow law enforcement agencies to use underage decoys to attempt to purchase alcohol in order to detect establishments that sell to minors?

❒ Provide options for diversionary penalties, such as driver's license suspension?

If the answer to any of these questions is NO, approach legislators and policymakers about changing existing laws.

Source: Preusser, D.; Ulmer, R.; and Preusser, C. *Obstacles to Enforcement of Youthful (Under 21) Impaired Driving*. Washington, D.C.: U.S. Department of Transportation, National Highway and Traffic Safety Administration.

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Legal and Policy Facts

- ❒ In many States, minimum purchase age laws are riddled with loopholes.
- ❒ Suspending the driver's license or postponing licensure can be very effective penalties for youth who commit alcohol-related offenses.
- ❒ Lower blood alcohol content (BAC) limits for youth reduce alcohol-related traffic deaths.
- ❒ In many jurisdictions, penalties for vendors who sell to minors are very light—or not imposed at all.
- ❒ Communities and law enforcement agencies working in partnership can make preventing underage drinking a lifesaving priority.

consequence. Of course, the laws can only be fully effective if they are enforced by the courts. Law enforcement and juvenile courts should work cooperatively to establish consistent policies. Laws can also be made more effective if penalties are imposed administratively (by the driver's licensing agency) rather than by the courts.

Lower BAC Limits for Youth: Zero Tolerance

Many States take seriously the fact that drinking is illegal for youth. They also recognize that research shows that young drivers are impaired by much lower levels of alcohol than are adults. For these reasons, they have adopted a lower illegal blood alcohol content (BAC) for youth. These zero-tolerance laws make it illegal for youth to drive with a BAC of .02 in many of these States. Evaluations of these laws indicate that they are highly effective in reducing alcohol-related traffic deaths among youth. A recent evaluation of a zero-tolerance law in Maryland indicated that, when combined with a vigorous public information campaign, it reduced alcohol-related crash deaths among youth by 50 percent.[2] This can be very powerful legislation.

[2] National Highway Traffic Safety Administration, *Lower BAC Limits for Youth: Evaluation of the Maryland 0.02 Law*. Washington, D.C.: U.S. Department of Transportation, 1994.

Law enforcement officers sometimes express the concern that these laws will make enforcement difficult. After all, most drivers (even young drivers) do not show the kinds of obvious signs of intoxication at very low BACs that police usually use to identify impaired drivers. On the other hand, the laws provide an additional enforcement tool: Officers can be assured that if they stop a young driver for speeding or following too close or any other reason, even the smallest amount of alcohol can lead to a significant penalty.

Even more important than the few additional arrests that are possible with these laws is the message that the laws send to youth: "Drinking is illegal for you, so drinking any amount and driving will not be tolerated."

Adjudication Issues

Law enforcement officers can become very frustrated when they take the time to detect violations and make an arrest, only to have the charge dropped or a very light penalty imposed. Vendors who sell to minors can be penalized by administrative and criminal penalties. When applied, suspensions and revocations of the liquor license are effective deterrents. All too often, however, these penalties are not applied. In many States, alcohol control agencies do not suspend licenses for first offenses. In at least 10 States, vendors can pay increased fines in lieu of license suspension—in one State, vendors only have to pay $100 per day of the suspension rather than lose their license for that period. States revoke licenses only in rare instances of flagrant violations, sales of illicit drugs, or prostitution. In some States, employees are subject to penalties, but not the establishment itself. The same dangerous leniency can be shown to youth who are caught buying or using alcohol. Juvenile courts often drop or reduce charges or suspend penalties.

This leniency undermines the best enforcement efforts and, of course, makes both communities and enforcement agencies less inclined to take minimum purchase age laws seriously. That is why it is so important for the community and the enforcement agencies to work together on the serious problem of underage drinking. In par-

ticular, enforcement agencies need to work in close cooperation with juvenile courts. Once all the key players in a community agree that enforcing minimum purchase age laws saves lives and should be a community priority, they can reinforce each other's efforts. Even when the community does present a united front, the efforts can be thwarted by overly lenient State alcohol control agencies. This, too, can be very frustrating and discouraging. Some communities, though, have been successful in using city ordinances to crack down on establishments that sell to minors. Rather than waiting for the State agency to suspend or revoke the liquor license, the city takes steps to revoke the zoning permit.

Communities should not give up on the alcohol control agencies, even though they may sometimes seem unresponsive to community needs. In most areas, the agencies have trouble finding or prosecuting sales violations *unless* there are citizen complaints. The more complaints filed, the more likely the agency will act on them. Most alcohol control agencies are understaffed and overworked—especially now when so many State budgets are being cut. They are also government bureaucracies limited by numerous rules. Often these rules seem more effective in protecting the sales outlets than in protecting the community from irresponsible alcohol sales. However, if citizens and local police complain long and loud enough, the agencies must respond. Better yet, if the alcohol control agency is included in a communitywide effort, it can work in cooperation with citizens and law enforcement and with other community agencies to place reasonable limits on availability and to ensure that alcohol sales are carried out in a lawful and responsible manner.

Enforcement Techniques

In order to effectively enforce minimum purchase age laws, it is important to understand how young people obtain alcohol and how they drink. Almost any high school student (and sometimes even junior high school students!) can tell you how easy it is to get alcohol. (For the majority of youth, *alcohol* equals *beer*.) They have many clever ways of getting alcohol: They can use fake identification, ask (or bribe) an older person to buy for them, scope out the stores that are less strict (especially those that have unsupervised, underage clerks)... the list goes on. Most of the time, though, they do not have to use any devious ploy. They can simply walk in and buy alcohol wherever they wish. In a recent study in Washington, DC, underage boys were able to buy a six-pack of beer in 97 out of 100 tries—no muss, no fuss, no fake IDs, no questions asked.

These numbers are embarrassing, but they really should be encouraging. Thousands and thousands of lives have been saved by increasing the minimum purchase age. Imagine how many more lives we can save by making enforcement of the laws a priority. Even cutting down on the most flagrant violations would make an enormous contribution to safety.

In all enforcement efforts, we should emphasize *prevention* and *deterrence* at least as much as catching offenders. It is much better to keep citizens from ever trying to break a law than to apprehend and punish them when they do. Our most important successes will be the people with whom we never come in contact: the people who decide to obey the law. In the discussions of the specific enforcement techniques that follow, keep in mind that getting the message out to the general public that enforcement is taking place is more important than detecting violators. Of course, as a community, we should also make sure that attractive alcohol-free activities are available to young people and that needed counseling and treatment are accessible to youth and families. Enforcement agencies can be involved in some of these efforts, which are an important part of a comprehensive program.

The objectives of our enforcement efforts are to...

- ❒ **Make it harder to get alcohol—so that some youth will be stopped at the checkout counter.**
- ❒ **Let youth (and alcohol sales outlets) know that consequences are likely, so that many will be discouraged from ever trying to buy (or sell).**
- ❒ **Send a strong message to youth under age 21 that we care about them too much to allow them to drink alcohol.**

Enforcement Aimed at Alcohol Sales Establishments

Most minimum purchase age violations are charged against the youth themselves. This end of enforcement is important—young people should realize that their illegal actions have consequences. But this approach deals with only part of the problem. After all, each year a new group of youth become old enough to be interested in drinking, and we are faced with the same problem. Youth are risk takers and do not always make healthy and safe decisions. On the other hand, the number of sales establishments is limited. They are run by adults who we expect to be responsible. The establishments must be licensed by the State. If sales establishments can be made to take their legal and social responsibilities seriously, a large part of the underage drinking problem can be prevented.

Decoy/Sting

The most common type of enforcement technique used to crack down on sales establishments is decoy or sting operations. Underage decoys are sent into establishments to attempt to purchase alcohol. If the establishments sell the alcohol, they can be charged.

Some jurisdictions feel that this type of enforcement technique is too time-consuming. It is important to remember, however, that the purpose of this type of approach is *not* to catch every establishment that sells to minors. A few well-publicized, successful sting operations can have a dramatic impact on sales to minors for several months. For example, a recent decoy operation was carried out in Denver, Colorado.

Before the operation, underage police cadets were able to buy alcohol in 59 percent of attempts—without using false identification. Letters were sent to all the alcohol establishments in the city warning them that decoy enforcement would be used. After two rounds of stings, with followup letters and charges filed, the underage purchasers were successful in only 26 percent of attempts. Every convenience store clerk or liquor store owner should be worried that any young person at the checkout counter may be backed up by a law enforcement team that will spring into action as soon as the purchase is completed. This kind of healthy fear can turn the vendors themselves into a very effective cadre of enforcement agents. Stings are most effective if they are followed by swift, sure action on the part of regulatory agencies. Law enforcement should work with these agencies to develop coordinated and consistent policies.

In Indiana, another type of program, called "Operation Grab," can also put police in sales establishments; in Oklahoma, it is called "Cops-in-Shops." In these programs, officers pose as clerks and servers and arrest minors and adults who buy for minors. A sign in the window informing youth that they may be buying alcohol from an undercover police officer serves as a further deterrent.

Walkthroughs

Almost anyone who is involved in law enforcement recognizes that merely by being present, they can exert a positive influence on behavior. The police cruiser parked by the highway can make drivers slow down without ever arresting a single speeder—just by being there. In the same way, police can discourage sales to minors by being a visible presence in alcohol outlets. In some communities, police regularly stroll through bars and liquor stores. They do not need to make threats or arrests; they just show that the establishment is receiving attention from the police and that violations of the law would be unwise.

Educating Vendors

Most States have provisions for either mandatory or voluntary training for people who sell or serve alcohol. These education programs, which can be offered by law enforcement agencies or other public or private organizations, can educate vendors about the State's laws, regulations, penalties, civil liability for selling to a minor, how to identify an underage drinker, and how to recognize false identification. Such education programs, especially when combined with vigorous enforcement, can help in establishing a strong community norm against sales to minors, as well as in teaching useful information and skills. Some States have adopted responsible vendor programs that provide incentives for licensees to obey the law. In some areas, participating in training can also lower insurance costs.

Enforcement Aimed to Prevent Youth Access

The safest and best way to avoid underage drinking problems such as traffic crashes and other crimes and injuries is to prevent underage drinking. The discussion above suggests techniques for discouraging alcohol outlets from selling to minors. Youth have many ways of getting around these enforcement strategies, of course. Fortunately, there are many additional enforcement techniques that separate youth from alcohol. Following are descriptions of some techniques that communities have used successfully. At the end of this guide, some of the specific programs are described.

Keg ID

Many communities have recognized that beer from kegs is one of the most common types of alcohol consumed by underage drinkers. In fact, some enterprising youth have made a business of organizing keg parties for which an adult buys the keg, each party goer pays a flat entrance fee ($3 to $5), and the organizers clear a substantial profit. In order to discourage sales of kegs for this type of party, each beer keg sold in the community is marked with an identification tag. The tag number is registered at the time of the sale so that the buyer can later be identified. Usually, the buyer must also pay a large deposit on the keg. If this keg is later found at a party where minors are drinking, the tag is confiscated by the police. Not only is the buyer subject to being charged with a

violation, he or she loses the deposit on the keg. This type of ordinance discourages adults from purchasing kegs of beer for underage drinkers.

Party Prevention

Many large parties where youth consume alcohol are well publicized in advance. Some law enforcement agencies do not wait until these dangerous parties are under way before breaking them up. They find out about them ahead of time (through officers assigned to schools, citizen tips, and so forth) and stop them before they start. A typical situation is when a party is planned at a youth's home. Officers visit the home prior to the party and speak to the parents about the upcoming party. (In many cases, of course, this is the first time the parents have heard about the party.) No charges or threats are made (no crime has yet been committed); the officers simply make it clear that they know the party is planned. Usually, this hint is enough to cancel the whole event.

Proactive Enforcement

Many events where drinking by youth is likely are very predictable: rock concerts, high school graduations, or other celebrations. Law enforcement agencies can anticipate the problems that may occur and attempt to prevent them, as well as plan for stepped-up enforcement at the time of the events. Examples of this kind of prevention include Project Prom/Graduation, in which officers work with schools and give informational presentations, both to dissuade youngsters from drinking and to make it clear that enforcement will be vigorous. These programs can be particularly effective when coordinated with sobriety checkpoints on nights when graduation and other such events occur. Schools work with police departments and provide them with dates and locations of events. Advance publicity is given to the checkpoints.

Enforcement Strategy Facts

❒ **Preventing or deterring offenses is more important than detecting offenses and arresting offenders.**

❒ **Enforcement strategies aimed at sales establishments include...**

- **Decoy/sting operations**
- **Walkthroughs**
- **Educating vendors**

❒ **Enforcement strategies aimed at youth include...**

- **Keg ID**
- **Party prevention**
- **Proactive enforcement**
- **Party patrols**

Party Patrols

Because so much drinking by youth occurs at large parties, special enforcement techniques are necessary when these parties are encountered. If one or two officers attempt to break up such a party, most of the youth are likely to scatter—driving away in cars. Some departments deploy special patrols to these parties with sufficient numbers of officers to contain the party, charge violators, and detain underage drinkers until a responsible adult can pick them up or they can be transported to detention facilities. Widespread publicity about these patrols can discourage youth from having drinking parties.

Youth are greatly underrepresented in drinking and driving arrests, even though they are overrepresented in alcohol-related traffic crashes. Among 16- to 17-year-olds, there are approximately 64 driving while intoxicated (DWI) arrests for every incident of a fatally injured driver with a BAC over .10. For 21- to 24-year-olds, there are 136 arrests for every incident of a fatally injured driver with a BAC over .10. Figure 2 shows the number of fatally injured drinking drivers per 10,000 licensed drivers, and Figure 3 shows the number of DWI arrests per incident of a fatally injured driver at .10 BAC or higher.

Why don't young drinking drivers get arrested? A study recently carried out for NHTSA[5] found that there are several barriers that prevent young drinking drivers from being arrested. These are described in the next section.

Barriers to Drinking and Driving Enforcement

Place

Perhaps the greatest obstacle to youth DWI enforcement is that young people do not drink and drive in the same places that adults do—and where most DWI enforcement resources are deployed. Roadways to and from drinking establishments are routinely covered by DWI patrols. Most youth, however, are not drinking in bars and restaurants, but rather in parks, private homes, and so forth. Neighborhoods consisting of private homes are particularly unlikely to be patrolled. Many young drivers express the belief that they would never get caught as long as they stayed off the main highways.

Overwhelming concentrations of youth can also occur when there are special events. For example, one small city with a major university reported that almost no drinking and driving arrests are made on the days of football games—even though these are some of the worst days of the year for drinking and driving. Demands for other police services on these days are so intense that police are not able to carry out DWI enforcement.

Keg parties are another situation in which so many youthful drinking drivers are concentrated in one area that enforcement may not be effective. A serious problem that sometimes occurs is that when one or two officers attempt to break up a keg party, the youth simply scatter, usually driving away. Some communities now use

[5] Preusser, D., Ulmer, R., and Preusser, C. *Obstacles to Enforcement of Youthful (Under 21) Impaired Driving*. U.S. Department of Transportation, National Highway Traffic Safety Administration.

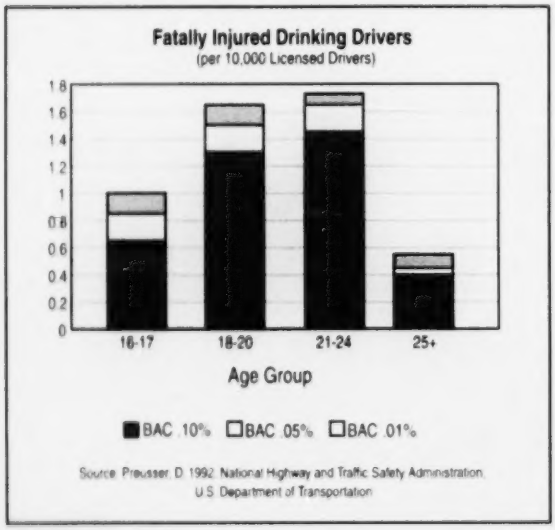

Figure 2

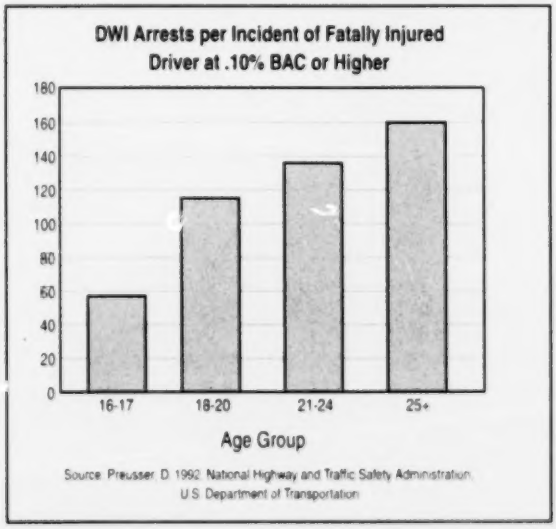

Figure 3

special patrols to contain large parties, so that the youth involved may be detained and charged–and do not drive away while impaired.

Time

Young drivers, especially 16- to 17-year-olds, tend to drink on weekends at slightly earlier times than older drivers. The peak time for young impaired drivers is Friday from about 10 p.m. to about 1 or 2 a.m. Similar periods on Saturday night are also popular. There is also a weekend peak for older drivers; however, it is not as pronounced and tends to continue later into the night. These Friday and Saturday night periods are also peak demand periods for police services of all types–not just impaired driving enforcement. Making a DWI arrest can be time-consuming. Officers may be hesitant to pursue impaired drivers vigorously because the arrest processing takes them off patrol, leaving their fellow officers to handle potential problems without backup.

Driving Cues

Young impaired drivers may exhibit quite different driving behavior from older drivers. Young drivers are more likely to speed and drive aggressively. They are more erratic and impulsive. The cues that officers are trained to recognize, like slow weaving or crossing the center line, may not be present for young impaired drivers, who may show more "hard" weaving and behave as if they are showing off. These behaviors, while impaired, are not that different from youthful driving behaviors in general.

Barriers to Youth DWI Enforcement

Place: Youth drink in different places from adults.

Time: Youth drink and drive during concentrated periods.

Driving cues: Youth do not display the same impairment cues that adults display.

Arrest processing: In some jurisdictions, arrest processing for juveniles is more difficult and time-consuming.

Arrest Processing

Processing any DWI arrest can be time-consuming. The special requirements for juveniles (especially if a juvenile holding facility is not easily available) can make arrests of young drinking drivers particularly difficult. Some communities have attempted to overcome some of the difficulties by designating a hospital emergency room or local fire department as places where juveniles can be held.

Sympathy

One anticipated barrier to youth DWI enforcement that did not appear to influence the law enforcement organizations surveyed for the NHTSA study[4] was sympathy for the young offender. The officers surveyed reported that such a factor may have influenced enforcement in the past. Current enforcement policies and the immense problem of liability, in case of a crash, now prevent police from releasing the young impaired drivers they apprehend.

Assessing Youth DWI Enforcement

Departments that want to examine their own youth DWI enforcement efforts can use the following series of questions.

DWI Arrest Statistics

Nationally, about 1 percent of all licensed drivers are arrested for DWI each year. What is the percentage in your jurisdiction?

Obviously, if overall DWI enforcement levels are very low, there can be no expectation that any age group will be deterred from impaired driving. Many factors in the community will influence the number of arrests made, so there is no "right" number of arrests. A rough calculation, however, can give agencies an indication of how their arrest rates compare with national levels.

[4]Preusser, D.; Ulmer, R.; and Preusser, C. *Obstacles to Enforcement of Youthful (Under 21) Impaired Driving*. U.S. Department of Transportation, National Highway Traffic Safety Administration.

Arrests in Crash Situations

About 10 to 15 percent of all DWI arrests are made in crash situations. How does your percentage of crash versus pickup arrests compare?

Departments with vigorous DWI enforcement make only about 10 to 15 percent of arrests in crash situations. The rest come from patrols, sobriety checkpoints, and the like. If the rate in your department is lower than 10 to 15 percent, officers may be overlooking alcohol involvement in crashes. If it is much higher, this may indicate that DWI enforcement is more reactive than proactive.

Arrest Rates by Age

Nationally, about 14 percent of fatally injured drivers with a BAC of .10 or higher are under the age of 21. What percentage of your arrest population is under the age of 21?

Looking at the age distribution of drivers arrested for DWI can provide insight into how well enforcement efforts are dealing with the youth drinking and driving problem.

DWI Management Strategies

Command Emphasis

Officers will make DWI arrests when they have a clear expectation that DWI enforcement is important. Does management foster enforcement of impaired driving violations?

Virtually all law enforcement agencies operate with severe budget and personnel limitations in a time of ever-increasing demand for police services. Agencies are forced to establish enforcement priorities regarding the tasks that will be emphasized. In some departments, DWI enforcement is considered to be an important professional task. In others, it is given less emphasis and is made the sole responsibility of the traffic division or a few specialists–a situation less likely to result in effective youth DWI enforcement.

A consensus statement about how department management actually views DWI can be an important step. The following are some issues that can be addressed: Are officers generally encouraged or discouraged by management to actively pursue DWI enforcement? Is DWI enforcement a significant part of performance measurement? Is management proactive or reactive in its thinking about DWI?

Training

Do patrol officers receive periodic training to maintain and upgrade their DWI enforcement skills and knowledge?

Commanders and supervisors in police agencies with high DWI arrest rates consistently emphasize the importance of training. Special training is particularly important for enforcement of impaired driving among youth. The training status of all patrol officers should be assessed for adequacy and recency. DWI enforcement topics can be included in refresher and roll-call training. When special laws for youth are implemented, officers should receive training in applying the laws.

DWI Patrols

Young drivers drink and drive at times and places that differ from older drivers. Are DWI patrols deployed to find youthful offenders?

The place and time of impaired driving by youth are two of the major obstacles to DWI enforcement in this age group. Patrols that focus on drivers coming from bars and restaurants are likely to miss most youth, who tend to drink in neighborhoods or at parks or secluded areas. Often, this drinking takes place in large groups, so special enforcement techniques are needed to prevent the young impaired drivers from scattering. Also, drinking and driving by youth tend to be concentrated heavily in a few hours of the week.

Prosecution

BACs at or below the presumptive limit are common among young impaired drivers. Are these cases prosecuted?

Youth are impaired at lower BAC levels than are adults. Often, prosecutors will not pursue cases at low BACs, even when the driver was clearly impaired. Failure to prosecute can have a

direct effect on officers' decisions to arrest or not arrest an impaired driver. Department practices and prosecutor decisions regarding low BAC cases should be examined to determine whether problems exist, and, if so, what changes are possible.

Youth and Community

Youth Strategy

Does the department have an effective strategy for dealing with large concentrations of impaired youth in one place at one time?

Policies regarding responses to parties and large gatherings of underage drinkers should be reviewed. A strategy should be adopted to ensure that underage drinkers do not scatter onto the roadways. Well-publicized enforcement efforts can also have a deterrent effect.

Community Support

Is there widespread support in the community for youth DWI enforcement? For zero tolerance of underage alcohol and other drug violations?

Law enforcement agencies with proactive youth DWI enforcement typically have broad community support. In some cases, pressures from the community have led to changes in enforcement; in other cases, departments have made an effort to educate the community and win support for youth DWI enforcement. In some cases, police involvement in community prevention efforts has helped to create support for proactive DWI enforcement and for zero-tolerance enforcement of underage drinking violations.

Clackamas County, Oregon
The BRATT Patrol

A series of tragic crashes involving high school students in Clackamas County, Oregon, convinced the Sheriff's Department that the threat to the health and safety of the community could not be ignored. The department launched a countywide effort, called the BRATT patrol. The department worked closely with local media, so that the message that a new approach to enforcement was under way got out into the community. The department also made presentations at area high schools.

A dedicated team was assembled to conduct the enforcement operations. The team consisted of a sergeant, two deputies, three reserve deputies, and two "explorers." The department adopted a strict enforcement policy with regard to underage drinking, with no discretion allowed. Extra training was given in sobriety testing. Mothers Against Drunk Driving (MADD) donated two portable breath-testing units. The report form for alcohol-related offenses was simplified.

As is typical among youth, much of the drinking occurred in large groups. The department's Crime Analysis Division provided information about where to find these parties, as did other police agencies and private citizens. These enforcement efforts were described as "contagious." As the program developed, more officers became involved.

All this enthusiasm and effort paid off: Arrests for minor in possession violations increased tenfold during the first year of the program. The Juvenile Department detailed one case worker to handle the new referrals. Most important, youth highway fatalities dropped by half. There was a 29 percent reduction in overall youth injury crashes and a 45 percent reduction in youth-involved alcohol and other drug crashes.

New Castle County, Delaware
Teenage Alcohol Patrol

Like many enforcement agencies, New Castle County's usual response to a citizen complaint of a loud party was to dispatch one patrol officer. The response of the teenage partygoers was typical–they scattered, and often the party simply moved to another location. On one such evening, a young girl died in an alcohol-related crash after the party she attended was broken up by the police. This terrible incident motivated the community and the county police department to take a new approach to enforcement. The Teenage Alcohol Patrol was created. Trained officers were made available at those times and places where underage drinking is most likely to occur. Public service announcements informed the community–and underage drinkers–about the patrol.

Citizen complaints of loud parties were routinely assigned to the patrol. The objective of the patrol was to ensure that the young people would not be allowed to scatter. Often, this was accomplished by stationing an officer in the area where the young party goers' vehicles were parked. As an added precaution, DWI patrols would move into the neighborhoods surrounding the party. Often, the patrol would establish a holding area at the party site where the young people would remain until their parents arrived. Police routinely used "odor of alcohol" and field sobriety tests, as well as portable breath-test devices. Field fingerprinting was used to ensure positive identification of the youth. The alcohol-related charges required the youth to appear in family court and resulted in a 3-month driver's license suspension.

The New Castle Police were so effective that the number of underage parties decreased dramatically.

Cedar Rapids, Iowa
Combined Special Enforcement

Downtown concerts in Cedar Rapids, Iowa, attracted thousands of young people, many of whom would drink, drive unsafely, and cause disturbances and disruptions. A particular problem was the last rest area on the interstate highway leading into town. On the evening of a concert, it would be packed with young drivers, many using alcohol and other drugs. Law enforcement agencies knew when the concerts that brought young people to the community would occur, but no one agency had sufficient resources to manage the problem alone.

By combining resources, the different agencies were able to devote 20 to 30 officers plus "reserve auxiliary" personnel to the problem.

They stationed unmarked cars at the rest area, observed open containers and other violations, followed offenders when they left the rest area, and radioed ahead to officers in marked vehicles, who would make arrests. Typical charges included DWI, open container, public consumption, drug possession, and other driver and vehicle violations. The media took a great interest in this operation and often provided on-scene coverage.

The operation was so successful that problems at the rest area greatly diminished. The cooperative effort did not stop there. For the first 9 months of 1991, a total of 14 joint patrols and traffic safety checkpoints were conducted, leading to approximately 800 arrests and citations.

The law enforcement agencies continue to meet regularly to discuss common concerns. They plan a variety of intensive, well-publicized traffic enforcement activities, many of which involve youthful drivers. The efforts rely on police reserves or auxiliaries to help with paperwork and other tasks. The courts and Youth Bureau are consulted well in advance of activities, so that they can prepare for the increased arrests. The police agencies also coordinate with facilities where juvenile offenders are held and processed.

Command and control for each activity are maintained by three co-equal supervisors, one from each law enforcement agency. Officer assignments are fully integrated, so that, for example, a county officer is more likely to work with a city or State officer rather than another county officer. Thus, one of the important advantages of the program is that good working relationships have developed among the three agencies and individual officers in the agencies. These contacts have proved helpful in areas beyond this specific program.

Phoenix, Arizona

High School Graduation Program

Late May and early June is high school graduation season in Phoenix, with about 35 area high schools holding graduation ceremonies. Each of these graduations seemed to spawn a host of keg parties and other gatherings where youth would celebrate by drinking, often in combination with driving. The High School Graduation Program was designed to provide proactive enforcement to prevent and control these parties. Enforcement activities were combined with Operation Prom/Graduation programs, which provided educational events, like "mock crashes."

Enforcement activities were conducted by a metro squad (six motorcycle officers and a supervisor) plus Parks Detail officers. The Parks Detail officers were particularly knowledgeable in enforcing minor in possession, minor in consumption, and public consumption laws because of their year-round patrols of city parks and recreation areas. Helicopters were available to locate the keg parties and to provide lighting for enforcement activities.

This was not an overtime program. Rather, officers who would otherwise be assigned to regular patrols were reassigned to work on the High School Graduation Program during this critical season.

Officers assigned to the program were thoroughly briefed so that they would have the knowledge and skills necessary to carry out effective enforcement and to document charges. The news media were alerted to the program and asked to provide coverage.

When a party occurred, the first responsibility of the special squad was to secure the area. Both ends of the street were blocked off, and impaired drivers were not allowed to leave the area. The key objective of the program was to take enforcement action against any violations and to provide full traffic control. In those cases where a party was found to be free of alcohol and other drugs, positive promotional materials were left behind.

California State University at Chico

Enforcement in a University Community

The presence of a college or university can raise the number of young persons in a community well above the national average. Young people, often away from home for the first time, may be particularly susceptible to risky behavior, like drinking. California State University at Chico provides an example of a cooperative effort between a university and its

host community to combat dangerous drinking. This effort is particularly appropriate since California State at Chico was voted the number one party school in the country in 1982.

Chico had a particularly permissive attitude toward alcohol use, both on campus and within the community. "Pioneer Days," an annual celebration, had become an occasion for alcohol consumption by all ages and riots that could not be controlled by law enforcement. In this atmosphere, the president of Chico State provided the leadership necessary to change the university's tolerant policies toward alcohol use. A Campus Alcohol and Drug Education Center was established in 1988, providing a "peer approach" to education on the consequences of drinking and alternatives for making better choices. The campus police teach a course dealing with the consequences of alcohol use, including date rape and drinking and driving. In 1990, student leaders requested a ban on all alcohol in the residence halls, and the students themselves enforced the rules.

A very important element of the program is the partnership established between the university, the municipal police department, local courts, and the Department of Alcoholic Beverage Control (ABC). The police department maintains a proactive, high-profile enforcement policy. Minor in possession laws are regularly enforced; sting operations are carried out routinely; and the department works closely with the university on prevention and education activities. An open container ordinance, adopted by the City of Chico, provided law enforcement with an additional method of reversing past practices. The ordinance is strictly enforced by the police, and the city has committed substantial resources to alcohol enforcement—a major shift in attitudes and priorities from previous years.

Another important element to the success of the program is the participation and cooperation of the local court system. Because of the high level of enforcement, the court is overwhelmed with underage drinking cases. The local judge has implemented several methods to overcome crowded dockets while carrying out sentencing in a consistent manner with maximum penalties. Sentencing procedures are also designed to provide maximum inconvenience to offenders, including midweek afternoon trial dates, fines in excess of $200, driver's license suspensions after a second conviction, and names being called over loudspeakers in the defendant holding area outside the courtroom. The objective is to impress upon students that alcohol violations are serious charges.

The ABC works closely with the police in support of alcohol enforcement. The Chico area is one of the ABC's most vigorously enforced districts; ongoing efforts include undercover sting operations, mandated training of liquor licensees in the recognition of false identification, and detection of intoxicated buyers.

Pitkin County, Colorado

Enforcement in a Resort Community

Resort communities can present special problems in the control of impaired driving. Large groups of vacationers intent on having a good time can overwhelm local enforcement resources. Merchants may be disinclined to support law enforcement efforts that might detract from their business. Some resorts are meccas for young people and also draw young seasonal workers. All this can add up to serious safety problems.

Pitkin County, which includes the resort city of Aspen, ranks first among all 62 Colorado counties in retail sales of alcohol. It has twice the State average in drinking and driving cases filed per 1,000 population. The county's economic base is tourism, which means that many people drive the narrow two-lane mountain roads in a celebratory mood induced by too much alcohol.

The focus of law enforcement in the Pitkin County Sheriff's Department is to intervene before the impaired driver gets behind the wheel. The department has adopted a zero-tolerance policy for underage drinking. The policy is enforced countywide, particularly at graduation and end-of-year keg parties. The department uses buses to transport large numbers of underage drinkers from keg parties to jail.

All the local law enforcement agencies in the county actively and continuously foster rapport and cooperation with the community. Communitywide acceptance, support, and promotion are key elements to implementing suc-

cessful deterrence efforts. Law enforcement agencies participate with the school system in Project Graduation, designed to inform students of the laws and consequences of drinking and driving. The combined efforts of law enforcement, schools, businesses, and the community at large have produced local legislation mandating training for servers and bar owners.

Charles City, Iowa

High School-Centered Programs

Charles City High School maintains standards of eligibility for participation in extracurricular and cocurricular activities. One of the standards mandates a loss of eligibility for up to 1 year in the case of a conviction for an alcohol or other drug violation. This is a serious penalty, which applies to the 80 to 85 percent of Charles City students who participate in at least one activity. In fact, for many students, the loss of eligibility would be a more severe penalty than anything the courts might impose.

This type of consequence for alcohol or other drug violations sends a strong message to Charles City youth. There are two problems with the penalty, however. First, extracurricular activities could provide one source of support to help students deal with other alcohol or drug problems. Second, police officers may have been reluctant to arrest a student—especially a star athlete—knowing that a conviction would have such serious consequences. The officer might incur the wrath of parents and the community for what could be perceived as a minor violation.

To maintain the positive intent of the eligibility standards while overcoming some of the drawbacks, the school, police, and juvenile courts developed a "restitution" program. At the time of arrest, the police talk to parents (or send a letter to parents if they are not available at the time of arrest). The offense is reported to the juvenile probation officer who conducts an intake hearing. The student is responsible for reporting the offense to the school (failure to report results in an automatic 1-year suspension of eligibility). The student is then referred to a counselor and develops a restitution plan. Progress toward completing the plan is monitored by a student planning team. Satisfactory progress maintains the student's eligibility.

Each restitution plan must contain some beneficial service to the community or school, as well as the team or activity in which the student participates. In addition to this 10 to 20 hours of service, the student must participate in counseling and assessment related to alcohol or other drug use.

Northern Virginia

"Celebrate Life"—Operation Prom/Graduation

In Virginia, the State Department of Education and the Department of Motor Vehicles started a program 5 years ago to encourage parents to sponsor alcohol- and other drug-free after-prom and graduation parties. To facilitate the process, the State sponsored workshops to train parents on how to conduct these events. The training program has increased participation from 5 schools to over 300.

In Northern Virginia, every public and private high school hosts an after-graduation party (after-prom parties may be more appropriate for some areas). Each party requires 50 to 60 parents who devote hours of time, money, and energy. In addition, sponsors have formed Northern Virginia Project Graduation, a group where representatives from each party meet to share resources and information and engage in collective fundraising activities. The workshops they attend, along with an extensive workbook, tell them how to plan and conduct every aspect from ideas for decorations, themes, security, food, and entertainment to fundraising, budgeting, and so on.

Such events have proved so successful they are now considered to be the "in" place for students after graduation or the prom. In almost every case, over 80 percent of the graduating seniors attend; in Northern Virginia, the attendance is over 90 percent.

These events have several important enforcement results. First, they reduce the number of alcohol-related motor vehicle crashes occurring during the prom/graduation season. Second, many police departments are actively involved in the planning and implementation of these parties, and off- and on-duty officers often supply security in the parking lots. Third, these parties have reduced, if not eliminated, graduation parties hosted by parents in private homes

where alcohol may be served. Fourth, they actively involve hundreds of parents in substance abuse prevention activity.

Recently the Washington Regional Alcohol Program (WRAP) and the Virginia Department of Motor Vehicles added a new element to the workshops: a training session where parents can learn more information about alcohol use by underage youth. A panel of experts, including a judge, an ABC officer, and a police officer, talk about the seriousness and consequences of underage drinking and what parents can do to ensure their children stay away from alcohol.

Center for Substance Abuse Prevention. *Community Action Guide*. Rockville, Md.: U.S. Department of Health and Human Services, 1993.

Contains information on conducting assessments, community mobilization, and message selection; working with the news media; and modifying community events. This guide is designed to help communities create programs to prevent underage drinking.

Johnston, L.; O'Malley, P.; and Bachman, J. *Drug Use Among American High School Seniors, College Students, and Young Adults, 1975-1990*. Rockville, Md.: U.S. Department of Health and Human Services, 1991.

Summarizes the findings from the annual "Monitoring the Future" survey of high school seniors and young adults regarding their alcohol and other drug use and attitudes.

National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, MD 20847.

Provides scientific findings; database searches on prevention programs and materials, field experts, Federal grants, and market research; material tailored for policymakers, opinion leaders, media, parents, youth, and others; and information about organizations and groups concerned with alcohol, tobacco, and other drug problems.

National Highway Traffic Safety Administration. *Tools for Community Action: Youth Traffic Safety Program*. Washington, D.C.: U.S. Department of Transportation, 1991.

Contains information on a variety of strategies that communities, including law enforcement, can use to reduce youth drinking and driving. It includes a comprehensive community assessment tool to allow communities to rate their own programs.

National Highway Traffic Safety Administration. *General Estimates System: A Review of Information on Police-Reported Traffic Crashes in the United States*. Washington, D.C.: U.S. Department of Transportation, 1990.

National Highway Traffic Safety Administration. *Fatal Accident Reporting System 1989: A Decade of Progress*. Washington, D.C.: U.S. Department of Transportation.

Both of the above reports are produced annually by NHTSA and include information about traffic crashes, including information about alcohol involvement and young drivers.

National Highway Traffic Safety Administration. *Lower BAC Limits for Youth: Evaluation of the Maryland 0.02 Law*. Washington, D.C.: U.S. Department of Transportation, 1993.

Reports on the evaluation of the traffic safety impact of lowering the BAC limit for drivers under 21 in Maryland.

Office of Inspector General, U.S. Department of Health and Human Services. *Youth and Alcohol: Laws and Enforcement—Is the 21-Year-Old Drinking Age a Myth?* Washington, D.C.: U.S. Department of Health and Human Services, 1991.

Discusses the problems many jurisdictions experience with characteristics of the minimum purchase age laws in their States. It also discusses issues related to enforcement of these laws and suggests some successful enforcement techniques.

Office of Inspector General, U.S. Department of Health and Human Services. *Youth and Alcohol: A National Survey—Drinking Habits, Access, Attitudes, and Knowledge*. Washington, D.C.: U.S. Department of Health and Human Services, 1991.

Discusses the scope of the alcohol problem among youth.

Preusser, D.; Ulmer, R.; and Preusser, C. *Obstacles to Enforcement of Youthful (Under 21) Impaired Driving*. Washington, D.C.: U.S. Department of Transportation, National Highway Traffic Safety Administration, in press.

Summarizes the findings of a major research project carried out for NHTSA on enforcement of youth drinking and driving laws.

For more information about alcohol, tobacco, and other drug abuse prevention, contact the National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, MD 20847-2345, 1-800-729-6686, or TDD 1-800-487-4889.

Teen Drinking Prevention Program

Law Enforcement Action Guide

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